

**IN THE UNITED STATES COURT FOR THE  
WESTERN DISTRICT OF TENNESSEE**

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**JULIE CARLEY,**

**Plaintiff,**

**VS.**

**NO. \_\_\_\_\_**

**AETNA INSURANCE  
COMPANY, a/k/a AETNA,**

**Defendants.**

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**COMPLAINT**

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COMES NOW the Plaintiff, by and through counsel, and sues the Defendant, Aetna Insurance Company (hereinafter Aetna) and for cause of action would show:

1. The Plaintiff is a resident of Memphis, Shelby County, Tennessee.
2. That at all times herein mentioned Aetna was a foreign corporation authorized to underwrite disability insurance in the State of Tennessee. Aetna's principal place of business is the State of Florida. Aetna's agent for service of process is the Tennessee Commissioner of Insurance, Davy Crockett Tower, suite 500, Nashville, Tennessee 37243-0565.
3. This Court has jurisdiction pursuant to 28 U.S.C. § 1332(a). There is diversity of citizenship between the parties. Therefore, subject matter jurisdiction exists in this cause of action.
4. This is a civil action to recover short term disability benefits pursuant to Section 502(a) of the Employee Retirement Income Security Act of 1974 (ERISA).
5. On August 24, 2005, the Plaintiff became a policy holder of a short term disability policy with Aetna. The Group Number is 0863734 and the Claim Number is 11663451.
6. On March 21, 2008 the Plaintiff became "disabled" and eligible for short term

disability benefits. A timely application was filed by the Plaintiff with Aetna.

7. Aetna has denied the application for short term disability benefits.

8. The Plaintiff has been diagnosed with conditions that render her unable to perform her employment.

9. The Plaintiff's medical condition renders her "disabled" as defined in "Definitions of Disability" under the group policy in question.

10. The Plaintiff has appealed all of her applications for disability benefits and all administrative remedies have been exhausted.

11. The Defendant has failed and neglected to pay benefits under said policy and plan which benefits amounting to sixty-six and two-thirds ( $66 \frac{2}{3}$ ) of the Plaintiff's gross income for each month she was unable to engage in material and substantial employment duties;

WHEREFORE the Plaintiff prays for a judgment of all accrued benefits, for any additional months she is disabled under the policy, for pre-judgment and post-judgment interest, for attorney fees and other relief the Court deems proper.

Respectfully submitted,

/s/ John E. Dunlap  
John E. Dunlap (#13223)  
Attorney for Plaintiff  
1684 Poplar Avenue  
Memphis, TN 38104  
901.726.6770  
901.726.6771 (fax)  
Jdunlap00@gmail.com